

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,

Plaintiff,

v.

ABDULBASET ABDULGADER, et al.,

Defendants.

No. 2:21-cv-2078 TLN CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 8, 2022, the magistrate judge filed findings and recommendations which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections indicating that he did not receive a copy of the screening order or the Findings and Recommendations. ECF No. 12. The prison mail log that plaintiff attached to his Objections demonstrates that his service copies of each document were received by the prison. ECF No. 12 at 5. However, a review of the docket in this case also demonstrates that plaintiff was transferred to a different prison around the time frame that the Findings and Recommendations were issued. Therefore, despite the evidence of proper service, the court will give plaintiff the benefit of the doubt and vacate the Findings and

1 Recommendations to dismiss this action without prejudice. The court will reset the deadline for  
2 filing an amended complaint in this matter.

3 Plaintiff has also requested an extension of time to file an amended complaint. ECF No.

4 13. Good cause appearing, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations filed March 8, 2022 (ECF No. 11) are vacated.

6 2. Plaintiff's request for an extension of time (ECF No. 13) is granted.

7 3. Plaintiff is granted up to and including May 30, 2022 in which to file and serve an  
8 amended complaint. Failure to file this pleading within the time permitted will result in a  
9 recommendation that this action be dismissed.

10 Dated: April 1, 2022



11 CAROLYN K. DELANEY  
12 UNITED STATES MAGISTRATE JUDGE

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